



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

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W.P.(MD)Nos.18574, 18577 and 18631 of 2015In W.P.No.18574 of 2015:

S.Sivabalan
S/o S.Sankaraiah
Special Grade Driver(Retired)
Staff No. DR05592,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Pudukulam Branch,
Madurai Region.

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Madurai - 625 016.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

In W.P.No.18577 of 2015:

S.Karuppaiah
S/o P.Shanmugam,
Senior Assistant (Retired)
Staff No. AR 07791,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region.

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Madurai.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

In W.P.No.18631 of 2015:

<https://hcservices.courts.gov.in/hcservices/>
e-Case Courts Only

S/o.Veeranan
6/195 West Street,



Perumalkovilpatti & Post,
Aathur - Taluk,
Dindigul District.

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,Dindigul Region,
Represented by its General Manager,
Dindigul.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

.. Respondents

PRAYER in W.P.No.18574 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to settle retirement benefits of the petitioner including gratuity, the commuted value of pension, leave salary, post retirement benefit scheme arrears and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Hon'ble Court and further directing the Respondents to pay interest at the rate of 18% Per annum for the belated payment of provident fund and social security scheme arrears within the time limit that may be fixed by this Court and pass such further or other orders as this Court may deem fit and proper in the nature and circumstances of the case.

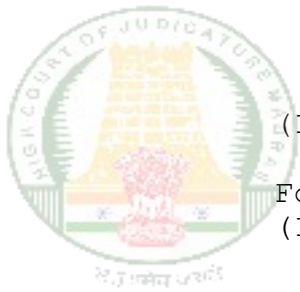
PRAYER in W.P.No.18577 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to settle retirement benefits of the petitioner including gratuity, leave salary, commuted value of pension, surrender leave salary of 60 days for the years 2010-2011, 2011-2012, 2012-2013, 2013-2014 and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Court and further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of provident fund, social security scheme arrears and refund of Institute of road transport contribution amount within the time limit that may be fixed by this Court and pass such further or other orders as this Court may deem fit and proper in the nature and circumstances of the case.

PRAYER in W.P.No.18631 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to pay the petitioner Rs.7,26,515/- towards Gratuity and Rs.3,42,342/- towards Leave Salary along with arrears of wages for the period 01.09.2013 to 30.04.2014 together with 18% interest per annum and further directing the first and 2nd respondent to pay him Rs.3,10,095/- towards the Pension Commutation amount and arrears of pension for the period from 01.05.2014 by revising his pension together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner ... Mr.A.Rahul

<https://hcservices.ecourts.gov.in/hcservices/> (In W.P.Nos.18574 and 18577 of 2015)

For Petitioner ... Mr.S.Arunachalam



(In W.P.No.18631 of 2015)

For Respondents ... Mr.A.Jeyaraman
(In three petitions) Government Advocate

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C O M M O N O R D E R

The petitioners have come forward with the Writ Petitions seeking issuance of writ of mandamus directing the respondents to settle retirement benefits of the petitioners.

2. By consent, the Writ Petitions are taken up for hearing at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate, who takes notice for the respondents.

4. It is stated that though the petitioners were allowed to retire from the service of the respondents, till date, the respondent Corporation has not settled the retirement benefits. Hence, the petitioners have come before this Court.

5. In similar circumstances, the Hon'ble Division Bench of this Court while disposing of the batch of writ appeals in W.A(MD)Nos.383 to 457 of 2015 in K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation(Madurai) Ltd., and others, by an order dated 12.06.2015 issued a direction to pay the retirement benefits by way of instalments. The relevant portion of the said judgment reads as follows:-

"2.The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS (2014 (9) SCALE - 78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

6. The learned counsel appearing for the petitioner would submit that the petitioner's case may be considered in the light of the above said decision, since the issue involved in this writ petition has already been answered in the above said decision by the Hon'ble Division Bench of this Court.

7. Considering the facts and circumstances of the case and also considering the fact that the issue involved in the writ petitions has already been answered by the Hon'ble Division Bench of this Court, the Writ Petitions are disposed of in the light of the above said decision. The retirement benefits of the petitioners are directed to be settled by way of instalments and the first instalments to be paid from December 2015 and each of the instalments should be paid on or



before 7th of each month till the entire payment is made. No costs.
Sd/
Assistant Registrar(Co)

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Sub Assistant Registrar.

To

1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002

3.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

+2cc to Mr. A. Raghul, Advocate, SR.No. 60543, 60544

+1cc to Mr.S. Arunachalam, Advocate, SR.No. 60562

+2cc to Mr.A.Jayaram, Advocate, SR.No. 60549, 60550.

W.P. (MD) Nos.18574, 18577
and 18631 of 2015
13.10.2015

AM/GSV.PM/19.11.2015/4P/9C